

REMARKS

The present amendment is in response to the Official Action mailed January 5, 2004. Applicants have amended claims 58 and 86. Claims 58-111 remain pending and are presented for consideration.

In the Official Action, the Examiner required a new title. Applicants have now changed the title to "Apparatus And Method For Downloading Desired Data Signal To User-Selectable Storage Unit," which is believed to be clearly indicative of the invention to which the claims are directed.

The Examiner has rejected claims 58-64, 66-72, 75-76, 86-88, 90-98, and 101-102 under 35 U.S.C. § 102(e) as being unpatentable over De Vos (U.S. Patent No. 6,192,454 B1) in view of Takahashi et al. (U.S. Patent No. 6,029,068). In addition, the Examiner has rejected claims 73-74, 77-85, 99-100, and 103-111 under 35 U.S.C. § 103(a) as being unpatentable over De Vos in view of Takahashi et al. as applied to claims 58, 76, 86, and 102 above, and further in view of Goldwasser et al. (U.S. Patent No. 5,241,428) and Sakuma (U.S. Patent No. 5,731,923). Applicants respectfully traverse these rejections as explained below.

De Vos is directed to a video-on-demand (VOD) system, not a system like the present invention that allows selection of different and multiple recording devices to which a user-selected data signal (such as a song) can be downloaded. De Vos' VOD system uses multiple storage medium units (SMUs) 20 to broadcast the requested video to the set top boxes 40. De Vos uses one or more different SMUs to transmit the requested video to the user depending on the number of requesting users and/or the type of VCR effects desired by the user. The SMUs communicate with the set top boxes through an ATM switch 41. A system manager 60 controls and communicates with the SMUs

through the ATM switch as well. The system manager can send control software used for reproduction of the video to the SMUs, which store both the content data (video/audio) to be transmitted and the needed control software.

The Examiner admits that the claimed status determination unit and controller (see claim 58) are not present in De Vos. However, De Vos also fails to disclose the claimed instruction unit since it does not send instructions to the SMU (the only disclosed "storage unit") to enter into a "download mode" for downloading the desired data signal from the multiplexed data signal. It appears that the Examiner may be misinterpreting what is meant by the claimed "download mode." Namely, it appears that the Examiner finds that a "download mode" is initiated in De Vos by the sending of instruction from the system manager 60 to the SMUs to instruct the SMUs to enter into a video "transmission" mode. However, there is no disclosure in De Vos to ready the SMUs to receive and store (i.e., download) the selected data signal (e.g., a song) desired by the user, since the video is already stored at the SMU. Thus, apart from specifying the storage unit is user selectable, the claims have been clarified, without any intention to narrow the scope, to state that the download mode instructions indicate that the selected storage unit should enter a "ready-to-download mode for downloading the desired data signal from the multiplexed data signal."

De Vos also lacks the claimed status determination unit since it does not receive status information from the SMU indicating the SMU has entered the download (ready-to-store) mode. Further, De Vos lacks a controller to permit the downloading of the desired data signal from the multiplexed data signal to the storage unit, let alone as function of the status information (which it does not receive).

Takahashi discloses the use of a paging system to ascertain what files are available for downloading from a database. ID information about the file is transferred to a user's pager and a control means controls the database to output the data item corresponding to the ID information received.

For example, in the first embodiment, the owner of pager can access a message about tickets for sale for a particular artist. The user of the pager responds to prompts on the screen of his/her pager and uses the pager to generate dial tones, generated based on the menu selections on the pager, to navigate, using dial tones, through a database accessible to the user over a public telephone line. In the second embodiment (see Fig. 26), portable terminal users (of units 8B - 8F) can access various different types of files at their office computer 14.

In more specific embodiments, Takahashi includes a size-detecting means to detect the size of the file stored in the database, measurement means to measure the remaining size of storage available on the data receiving device receiving the downloaded file, and inhibition means to prevent sending of the file when the remaining memory capacity of the data receiving device is insufficient. Takahashi, however, does not disclose a status determination unit or method of receiving download status information from the storage unit indicating whether the storage unit has entered into a download mode. Rather, Takahashi only learns from the DDMM (download data manager memory) whether there is sufficient space on the storage unit to store the file if it is sent.

Thus, even if Takahashi and De Vos were combined, the presently claimed invention would not be rendered obvious since it would not result in apparatus that includes the controller as

claimed in claim 58 or receiving download status information as claimed in claim 86. Accordingly, the rejection of independent claims 58 and 86, as well as the other claims that depend therefrom, should be withdrawn.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: April 5, 2004

Respectfully submitted

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